

On motion of Senator Gooch, Senator Cooper was excused on account of sickness for Wednesday, Thursday, Friday and Saturday of this week.

Senator Peacock moved to adjourn until to-morrow morning at 10 o'clock.

Senator King moved to amend by substituting "Monday" for "to-morrow." Amendment lost.

Motion of Senator Peacock to adjourn until to-morrow morning at 10 o'clock adopted, and Senate adjourned.

#### FOURTH DAY.

SENATE CHAMBER, )  
AUSTIN, January 12, 1883. }

The Senate met pursuant to adjournment. Lieutenant-Governor Storey in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Matlock, the reading of the journal of yesterday was dispensed with.

Senator Davis offered the following resolution:

*Resolved*, That a committee of three be appointed to confer with a like committee from the House to arrange the time, place and manner of opening, counting and publishing the returns mentioned in section 3, article 4 of the Constitution.

Adopted.

Senator Chessley offered the following joint resolution:

*Resolved*, That the Committee on State Asylums be requested to ascertain at as early a day as practicable what further legislation is necessary to make the Lunatic Asylum adequate to the wants of the State, and to report by bill or otherwise.

Adopted.

The President appointed Senators Davis, Houston and Gibbs a committee to act with a like committee from the House for the purposes stated in resolution.

Senator Chesley introduced a joint resolution amending section 3, article 7, and section 10, article 11 of the Constitution of Texas. Referred to Committee on Constitutional Amendments.

Senator Traylor introduced the following bills: "An act creating, establishing and directing the laying out certain roads as first-class roads, and fixing a penalty for obstructing the same." Referred to Committee on Roads and Bridges.

"An act entitled an act to provide for the payment of fees to county judges, justices of the peace, sheriffs, constables, district and county attorneys, for services rendered in examining courts in felony cases." Referred to Judiciary Committee No. 2.

Senator Jones introduced the following bill: "An act to amend article 1223 of the Revised Civil Statutes of the State of Texas." Referred to Judiciary Committee No. 2.

Senator Kleberg introduced the following bills:

"A bill to amend article 2266, chapter 4, title 38, Revised Statutes." Referred to Judiciary Committee No. 1.

"A bill to amend article 1000, chapter 1, title 13, Code of Criminal Procedure." Referred to Judiciary Committee No. 2.

"A bill to amend article 240, title 8, chapter 6, Penal Code." Referred to Judiciary Committee No. 2.

"A bill amending article 800, chapter 3, title 9, of the Code of Criminal Procedure." Referred to Judiciary Committee No. 2.

Senator Getzendaner offered the following joint resolution: "Joint resolution to submit amendment to section 9, article 8, of the Constitution." Referred to Committee on Constitutional Amendments.

Senator Johnson of Collin introduced a bill to be entitled "An act to amend the Penal Code, and relating to trespass

upon enclosed lands." Referred to Judiciary Committee No. 2.

Senator Evans introduced a bill to be entitled "An act to amend article 2863, chapter 4, title 50, of the Revised Civil Statutes." Referred to Judiciary Committee No. 1.

Senator Perry introduced a bill to be entitled "An act to amend article 2231, chapter 2, title 38, of the Revised Statutes of the State of Texas, providing for taking the depositions of witnesses." Referred to Judiciary Committee No. 2.

Senator Matlock introduced a bill to be entitled "An act to amend 4758, 4759, 4759a and to create article 4759d, chapter 5, title 95, of the Revised Civil Statutes." Referred to Judiciary Committee No. 1.

Senator Patton, by request, introduced a bill to be entitled "An act to provide annual pensions for the surviving soldiers and sailors of the Texas revolution and the surviving signers of the declaration of Texas independence, and the surviving widows of such soldiers, sailors and signers." Referred to Committee on State Affairs.

Senator Terrell offered the following resolution:

*Resolved*, That the Committee on State Affairs be requested to examine, and report by bill or otherwise, what action is needed by this State to secure a recognition by the United States of the right of Texas to land embraced in Greer county.

Referred to Committee on Federal Relations.

Senator Getzendaner introduced the following resolution:

*Resolved by the Senate*, Whereas, the proper care of the number of insane persons as reported in the State makes an extensive addition to the present Lunatic Asylum necessary; and, whereas, it is not deemed for the best interest for that unfortunate class that such large numbers should be kept together; therefore, be it

*Resolved*, That the Committee on State Asylums inquire into the expediency of establishing a branch lunatic asylum at some other point in the State, and report by bill or otherwise.

Referred to Committee on State Asylums.

Senator Fowler introduced a bill entitled "An act to amend articles 314 and 315 of the Penal Code." Referred to Judiciary Committee No. 2.

Also, a bill entitled "An act to amend article 180 of the Penal Code." Referred to Judiciary Committee No. 2.

Senator Gibbs introduced the following bills:

A bill to be entitled "An act to give to each unorganized county in this State a county surveyor." Referred to Committee on Public Lands.

A bill to be entitled "An act to provide for running and marking the boundary lines of all unorganized counties now existing in the State of Texas." Referred to Committee on Counties and County Boundaries.

A bill to be entitled "An act to provide for leasing the unorganized county school leagues." Referred to Committee on Public Lands.

Senator Buchanan introduced the following bills:

"An act to authorize and require the county commissioners' courts of the several counties in this State to provide for the payment of all claims due teachers of public free schools, audited as valid claims under acts of the Legislature of Texas, approved August 7, 1876, or April 22, 1879." Referred to Committee on Educational Affairs.

A bill entitled "An act to amend article 1544 of the Revised Statutes, relative to the jurisdiction of justices' courts." Referred to Judiciary Committee No. 1.

A bill entitled "An act to amend article 1164 of the Revised Civil Statutes of Texas, relative to the jurisdiction of county courts." Referred to Judiciary Committee No. 1.

Senator Pope introduced a bill entitled "An act to amend article 2863 of the Revised Civil Statutes of the State of Texas." Referred to Judiciary Committee No. 2.

Also, a bill entitled "An act to amend articles 503 and

504 of chapter 3 of Penal Code." Referred to Judiciary Committee No. 2.

Senator Davis, chairman of Senate committee submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 12, 1883.

To Hon L. J. Storey, President of the Senate, and Hon. Chas. R. Gibson, Speaker of the House of Representatives:

The joint committee appointed to arrange the time, place and manner of opening and publishing the returns mentioned in section 3, article 4, of the Constitution, beg leave to report, that after conference, it was agreed that said returns should be opened and published in the manner prescribed by the Constitution, at 11 o'clock a. m., January 12, 1883, in the Hall of the House of Representatives.

WILSON, Chairman House Committee.  
DAVIS, Chairman Senate Committee.

Report adopted.

The following message was received from the Governor and read by the Secretary:

EXECUTIVE OFFICE,  
AUSTIN, January 10, 1883, ✓

To the Honorable Senate and House of Representatives in Legislature assembled:

Having become fully satisfied that the territory of Greer county is a part of Texas, I deem it proper to communicate to you some of the leading facts and reasons that have convinced me beyond a reasonable doubt that it does belong to Texas.

The question involved in this controversy between Texas and the United States depends upon the construction of the treaty between the United States and Spain in 1819.

The language of that treaty is as follows:

"The boundary line between the two countries west of the Mississippi shall begin on the Gulf of Mexico at the mouth of the River Sabine in the sea; continuing north along the western bank of that river to the 32nd degree of latitude; thence due north to the latitude where it strikes the Rio Roxo of Natchitoches or Red River; then follow the course of the Rio Roxo westward to the degree of longitude 100 west from London and 23 from Washington, crossing the said Red River and running thence by a line due north to the River Arkansas; thence following the course of the southern bank of the Arkansas to its source in latitude 43 north; and thence by that parallel of latitude to the South Sea. The whole as being laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818."

It is now admitted that this line between Red River and the Arkansas River has never been located and definitely settled by any joint commission appointed by the two countries, nor has it been settled by any such commission, at what point the line going north should cross Red River after it had gone westward along said river to the 100th degree of longitude, nor which one of the two main forks of Red River the line should follow up to the point of crossing at the 100th degree of longitude if it should be found west of the junction of said two main streams, which are now commonly designated as the north fork and the south fork of Red River.

The efforts made to have these facts settled by joint commissions, and the surveying of the land between the two forks by Messrs. Jones & Brown, under contract with the Commissioner of Indian Affairs, dated in 1857, and the consequent claim of the United States to that territory known as Greer county, amount to nothing, so far as Texas is concerned. Nor does it comport with the dignity or sense of justice of the United States to make such a claim and enforce it by its power in protecting the Indian Territory from settlement, without first having the line up the Red River, and thence north upon the 100th degree of longitude, settled by a joint commission, in which Texas is fully represented, as it would be done between two independent nations, with equal power to maintain their rights respectively.

It may be admitted that the 100th degree of longitude will be found to cross Red River above the junction of the two main streams, and therefore that it crosses both of them. A joint commission having found that fact by accurate observations, the remaining fact to be found by them would be, which one of the two streams from a point at the junction should the line run up the river to the 100th degree of longitude, and thence run north to the 36th degree of latitude north. Texas claims, and I think rightfully, that the line would run up the stream now known as the north fork, and the United States claim that it should run up the south fork. That is the issue between them.

It is claimed that the line should run up the south fork, because it is the broader between its banks, and is the longer stream, reaching further west into the staked plain, and is, therefore, the main Red River. Its broader bed may be attributed to the character of earth through which it passes, and to the fact that it runs from the head

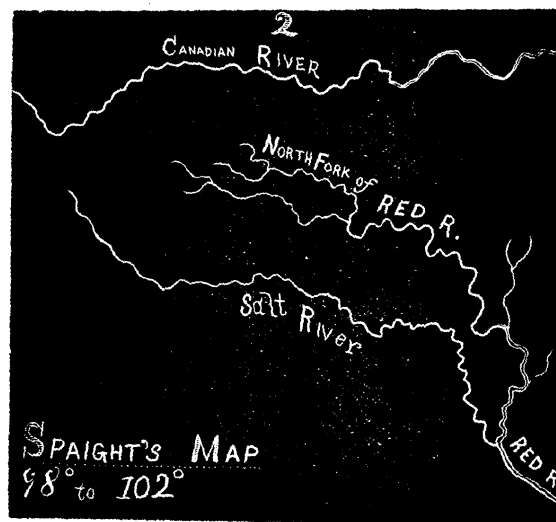
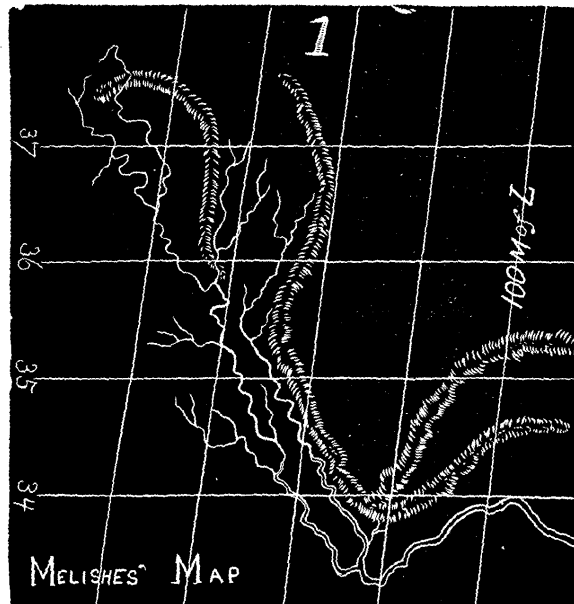
of it to the junction nearly straight eastward on a direct line of the declension of altitude. After running over sixty-miles through a descending canyon from the top to the verge of the staked plain, it then falls nearly fifteen hundred feet in running through two degrees of longitude to the junction. (This is taken from Captain Marcy's map.)

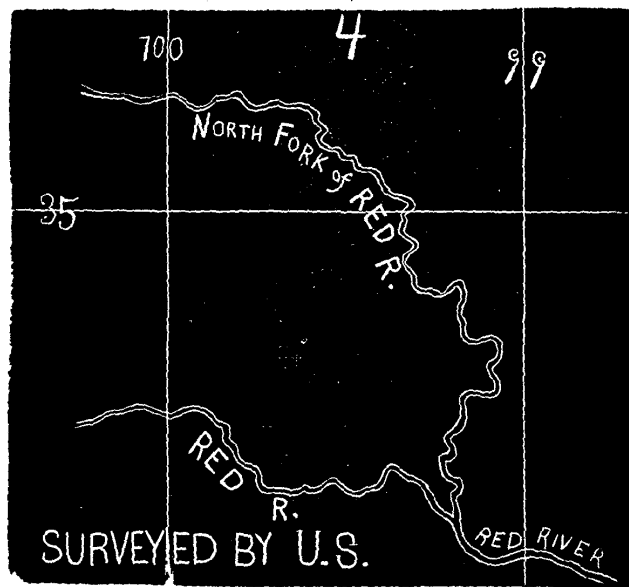
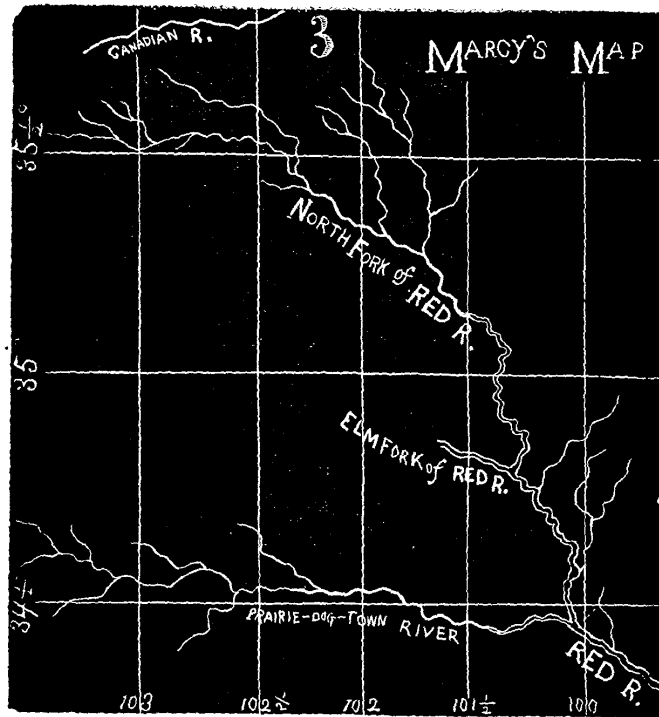
The fact, also, that its source is one degree farther west and one degree farther south than the source of the north fork, doubtless renders it more subject to those frequent deluges called waterspouts that wash out and widen the beds of streams throughout Texas the more and more as you go west and south. The difference, if any, in the length of the two streams, from the junction to their sources, is very little, perhaps not exceeding twenty miles. (Captain Marcy's map showing distances in going up the north fork and coming down the south fork.) It is said, on the other hand, that the water runs down the north fork in greater quantity and more constantly than in the south fork, whose channel of sand flats is often, if not usually, dry. This is the report of persons who have recently visited and remained in that region long enough to bear witness to the fact. This may be attributed to the fact that its source and that of each of its tributaries are from one to two degrees further east, and to that extent, being removed from the high, dry plains, have more regular seasons of rain to supply it with water than the south fork.

Such considerations as these may be indulged in to ascertain which of the two is the main fork, and should, on that account, be called Red river. Such considerations would show the Missouri river to be the true Mississippi river. In this, as in many other matters of dispute, there are egregious errors and misconceptions from the mode of stating the question at issue which lead to the investigation of facts wholly immaterial. In presenting the question, it is said, that the line runs up Red River, and the south fork being the main branch, it must run up that stream to the one hundredth degree of longitude.

I have shown how nearly equal are the claims of each to be called the main branch from facts pertaining to them, derived from observation. From this, either one of them, in the absence of the other, would be taken to be the main branch. It may be admitted that the south fork is the larger and longer, and therefore the main branch in reference to the two nearly equal branches of Red River, and that admission does not settle the fact that the line must run up that branch. The true question is, which one of the two nearly equal branches corresponds most nearly with "the Rio Roxo of Natchitoches, or Red River," as it was known in 1819, when the treaty was made, and as "laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818." It is not the south fork, for it is not laid down on Melish's map, and was not then known to exist by white men, either Americans or Mexicans, who gave any public notice, or made any known record of it. Nor was such a fork known to exist before Captain Marcy was informed of it by his Indian guide, Beaver, during his exploration of 1849, while he was on the headwaters of the Brazos river. (See report of Captain Marcy.) The Indian called it (not Red River but) "Ke-che-aqua-ho-no," or "Prairie Dog Town river."

This river Captain Marcy afterwards found and traversed in his exploration of 1852. In the introduction to his report, he explains the extent of all previous explorations, and shows that he and his party were the first to reach and traverse that river. Capt. Marcy in this exploration, was instructed to make "examination of the Red River and the country bordering upon it from the mouth of Cache creek to its sources." In going up from that point, he speaks of the two branches being about the same size at their junction, and went up the fork now known as the north fork, and followed it to near its source. In the route there is no surprise expressed in finding it where he did or at its course. He had Indian guides and hunters with him, and they gave it no Indian name. It was known and called by no other name than that of Red River. He traced it to near its source, a little north of 35th degrees north latitude, which he found to be about twenty-five miles south of the Canadian River. And here he discovered the only thing about Red River that did not seem to be known before to some other explorers, which was, that the upper waters of the Canadian did not run into and constitute a part of the Red River of Natchitoches, as they were sometimes supposed to do. It was under this false impression, doubtless, that Melish laid down the source of the most western branch of Red River a little north of the 37th degree of north latitude, which could not have been intended to represent the south fork in its source and course. In that map (of 1818) he laid down two forks of Red River, both of which are made to run near each other in a southerly direction to their junction, the source of both of them being placed a degree west of the 100th degree of longitude. The course of both the streams of the river in going up them from the junction turns abruptly northward, very much like the north fork





now does. There is no stream coming in from the west, as does the south fork, nor is Pease river or the Big Wichita south of Red River laid down, but the Washita north of Red River is laid down. Thus it is obvious that Melish had information concerning the streams on the north side of Red River and concerning the most northern headwaters of Red River, but none whatever of the streams coming into Red River from the west and southwest. The Big Wichita and Pease River are large and long streams, and the south fork is still larger and longer, and no streams on his map come into what he lays down as Red River from the direction they are now known to flow into it.

The fact that Melish placed two branches of Red River close together, running nearly parallel from points too far to the northwest, might lead to the conclusion that he had some indistinct information that there were two branches in the then far west; but the manner in which he laid down the more western branch, with its source much farther north and running down in a southern direction, nearly parallel to the other, to the junction, shows that the only headwaters of that stream then known had their sources in that direction, up towards Santa Fe.

There were and are two such branches in part. If the most recent maps of Texas are examined, since that whole region has been explored, it will be found that there are now two streams, the North Fork and the Salt Fork of Red River, that are now delineated on the map, almost exactly like the two forks in Melish's map of 1818, both having a like abrupt bend northward in going up them, and a like divergence from parallel lines; so that if the Salt Fork were continued up thirty miles in a northwest course it would reach the Canadian at a bend southward in that river, and the Salt Fork thus joined to the headwaters of the Canadian would present on the map almost exactly such a stream as the more western stream is laid down in Melish's map of 1818.

In his second map (of 1823) he corrected the mistake of running the headwaters of the Canadian into a branch of Red River, and laid down but one stream of Red River coming down from that direction. Humboldt and others supposed that the headwaters of the Canadian ran into Red River.

Melish made his second map in the short period of five years afterwards (in 1823), in which Red River is laid down with its one main stream pointing still towards Santa Fe, and with its source in latitude 35 degrees north. It shows no south fork such as found by Captain Marcy. In that map he laid down "The Great Spanish Road," one fork of which crossed the Canadian and ran down north of Red River to the mouth of the Washita, in the direction of Natchitoches. This great Spanish road (which, at that day, meant a well known and much traveled mule trail), may explain why the north fork was known as the Red River. And no road being laid down as running south of the Red River, heading on the 35th degree of latitude north, may explain why the south fork was entirely unknown, except to the Indians, perhaps, who called it by a different name. Desternell's map of Mexico, used in the treaty of 1848 between the United States and Mexico, does not lay down the south fork as now known to exist, but at a point about one-half of a degree west of the 100th degree of longitude he makes a stream run into the Red River, coming in its whole course from the southwest, called "Ensenado." The north fork above the junction he called "R. Colorado," which is the Spanish name for Red River.

Stephen F. Austin made a map of Texas, in which its connection with the United States and the adjoining Mexican States was shown, which was published in 1837, after his death. (A copy of this map is in the General Land Office of Texas.) In that map Red River is laid down, showing different streams coming into it, until, in going up it, it reaches the False Washita on the north side of it, and the Big Wichita on the south side of it, which is laid down very much as it is now found to be; but from the mouth of that stream Red River is laid down as a single stream going up north-westward to the 35th degree of north latitude, leaving out entirely any delineation of Pease River coming in on the south side above the Big Wichita, and also Ke-che-a-quah-no, coming in above Pease River, showing that he had no information of those two streams, though he had the general idea that Red River bore up to the northwest in going up to its source.

Notwithstanding the discrepancies and inaccuracies in the maps, the conclusion is inevitable that both before and after the treaty of 1819 it was known that there was a river called Red River, whose headwaters were to be found at or above latitude thirty-five degrees north, and that it ran from its source, with numerous changes in its course, in a southeasterly direction, conforming irregularly to a line from Santa Fe, in New Mexico, to Natchitoches, in Louisiana, both of which places once belonged to Spain, and both of which were for a long time centers of trade with the tribes of Indians in the vast regions of unsettled country between them. St. Louis, in Missouri, was at an early day such a center, whose trade reached out as far as and beyond Santa Fe, in Mexico. Nacogdoches, San An-

tonio and El Paso were also, to a more limited extent, such centers of trade. Previous to 1818, the date of Melish's map, it must have been from explorers, travelers and traders going from these centers into the vast country embraced within the circuit which they formed, that information could be derived about the country. The names given to the rivers and their tributaries, or at least the spelling or pronunciation of them, indicated what centers had furnished the explorers, travelers and traders who had traversed the different parts of this extensive interior country, and had given information concerning it. Hence in the eastern part of it the pronunciation, and sometimes the spelling, of the names of the rivers and of their tributaries are French, as Rio Roxo, Washita, Arkansas, Kansas, and in the west and south are Spanish, as Pureco or Pecos, Nueces, Guadalupe, Colorado, Brazos de Dios, Trinity (Trinidad), Neches and Angelina. At the period spoken of there was a large central territory that had never been explored, which was inhabited only by the roving Comanche Indians, and by other roving tribes. The region south of the river, then known as Rio Roxo, was a part of that unknown country. Those roving Indians, continuing long afterwards to occupy it, and being, as is well known, averse to any white man finding it out by traversing it, it remained an unknown country until it was explored by Captain Marcy in 1852, when he found a river that, he says, had never been seen by a white man, so far as known, which had neither a French, nor Spanish, nor an English name, but was called by the Indians Ke-che-a-quah-no. This he found to be a large stream, running to and forming a junction with the stream previously known and named and called Red river, or Rio Roxo of Natchitoches.

The source of that stream, now known as the south fork, is at about thirty-four and a half degrees north latitude, and after its headwaters collect, it runs nearly in a straight course a little south of east to the junction. Melish's map of 1818 exhibits no such stream, and it is quite certain that the existence of such a stream was then entirely unknown to white men. It is, therefore hardly possible that Melish intended to delineate upon his map of 1818 the south fork as a part of the river then known as Red River.

In law, as well as in reason, the same rules of construction would be applied to a boundary line prescribed to be run between two States or nations as to that between two surveys of land owned by different individuals. In either case where a natural object, such as a stream, is called for and delineated on the map and designated by a name, the stream afterwards found to correspond most nearly with that delineated on the map, especially when it could be satisfactorily shown that at the time the line was prescribed it was known by the name designated, would certainly control in finding the true line. It would be immaterial if another longer and larger branch of the same stream had afterwards been found and called by that name, and the stream indicated on the map had partially lost the name by which it was designated. The certainty would be greatly increased if it could be shown that the larger stream did not correspond in its source and course with the stream delineated on the map, was not known to exist for many years after the line was prescribed, and when found bore a different name from the one on the map, and the one on the map was never called or known by any other name than that designated until the larger stream was discovered.

It is unnecessary to discuss the correctness of this proposition or to make the application of it to the matter under consideration. Both are too plain for further discussion.

When the line may be run under this rule, and with a knowledge of all the facts, the territory of Greer county, between the forks of the two streams, will be found to belong to Texas.

For many years after the late civil war, this claim of Texas received but little attention. The valuable lands within it, and the growing scarcity of public lands subject to location, caused the subject to be agitated to some extent, immediately before and after I became Governor, four years ago. But few persons then knew anything of its history. Melish's map, referred to in the treaty, was not accessible, and the recent maps laid down the course of Red River and its prominent branches in a way to discourage investigation. The authorities of the United States had established an initial corner on the south fork of the Red River, in the line claimed to be the one hundredth degree of longitude, had sectionized the country east of that line, and proceeded to settle white people, as a part of the Indian Territory. Still it was said that during General Houston's administration, in 1860, there was an effort by a joint commission, to establish the boundary line, which had failed, and that General Houston then contended that the line should run up the north fork of the Red River. His extensive information of this frontier country and its history, inspired confidence in the merits of the claim of Texas, notwithstanding all the discouraging facts mentioned. Application was made to me to know if I would sign the patents if certificates were located and surveyed in Greer county. Under the then existing circumstances, I felt it to be my duty to discourage such locations, as they might

be to our prejudice in the settlement of our claim against the United States, when the merits of it could be more fully ascertained.

Pursuant to that policy, Senator A. W. Terrell, who had confidence in our claim, and took a lively interest in the adoption of such measures as might secure it, prepared and had introduced in the Senate a bill, which promptly passed both houses of the Legislature early in the regular session of 1879, "to set aside the public lands embraced within territorial limits of the county of Greer to educational purposes, and for the payment of the public debt." It was then believed that the United States would be more favorably inclined to recognize the claim of Texas if the lands should be devoted to such meritorious objects of a public nature.

But little progress, if any, was made in this matter until after the Seventeenth Legislature, at its regular session in 1881, passed a law granting land certificates of twelve hundred acres to the Texas veterans of 1836. Whereupon Colonel John M. Swisher, one of the said veterans, interviewed me as to the propriety and practicability of getting the Legislature to pass a law allowing these veteran certificates to be located in Greer county. My reply was, that if the claim of Texas could be established and recognized, while I was Governor, I should certainly approve any act of the Legislature allowing these veteran certificates to be located in Greer county, provided the veterans retained an interest in the land located, and their locations be made so as not to diminish the amount of lands therein devoted to public free schools.

Colonel Swisher went to work to procure an agency to locate these certificates, to get up an influence by which the claim to Greer county could be settled by a joint commission, and to ferret out all of the sources of information, and bring to light the authentic facts, for the establishment of our claim. He claims to have 98 certificates to locate, in which the veterans have retained a substantial interest, and that he has advanced to them, to enable them to retain that interest, and to prevent them from selling them, as others have done, at a low price, the sum of eight thousand dollars. He corresponded with persons whom he supposed had information on the subject. He visited Washington City, and urged the settlement of the claim by all the influence he could exert. He has procured copies of Mead's maps of 1818 and 1823, and of Desterell's map of 1847. He has obtained the use of the two reports made by Captain Marcy in his explorations of 1849 and of 1852, with the accompanying map of his exploration of both forks of Red River in 1852. He has devoted to it the most of two years, in continued efforts, at his own expense. His faith in the justice of our claim never failed, while others doubted or despaired of its success. It is mainly by his persevering efforts, so far as I know, that facts have been brought to light that exhibit the rightfulness of our claim beyond any reasonable doubt. During the last session of Congress (March, 1882), he, in his zeal, caused a petition to be presented, asking a relinquishment of Greer county in part for the veterans, in which the subject was discussed, showing that the line had never been settled. He also memorialized the Texas Legislature, at the special session of 1882, in behalf of the veterans.

In anticipation that our Legislature, when convened in special session, would take similar action, General Maxey, with whom I had communicated upon the subject, in January, 1882, introduced a bill in the Senate making provision on the part of the United States for a joint commission, which was referred to and reported on favorably by the Committee on Territories. The bill passed in the Senate. In the House of Representatives a bill was referred to the Judiciary Committee purporting to define the line by running up the north fork. That committee reported against it, and submitted a very proper substitute for it, similar in effect to the bill that passed the Senate.

In reporting against the bill, the committee, unfortunately, if not unnecessarily, made an extended exposition of facts and argument against the claim of Texas, which doubtless was prejudicial to the passage of the substitute, and consequently it did not pass. The only answer to that forestalling effort necessary, is to say, that it took for granted that the south fork, by its being longer and broader, was the main stream, and, therefore, must be the one that the line should run up to the 100th degree of longitude.

The special session of the Legislature in April of 1882, upon my recommendation, passed a bill making provision on the part of Texas for a joint commission to determine the line, appropriated money for its expense, and authorized the Governor to appoint commissioners to determine and run the line, in conjunction with commissioners that might be appointed by the United States. Inasmuch as the bill introduced by General Maxey failed to be passed by Congress, I have made no appointment of commissioners, and none of the money appropriated for that object has been expended.

If the history of this matter, including the former efforts to establish this line, be examined into, in addition to what Texas has lately done in regard to the settlement of this disputed line, it will be found that Texas and her authorities have acted with a becoming

fairness, which, I undertake to say, has not been met in the same spirit by the authorities of the United States.

Having thus submitted this explanation of the merits of our claim, and of what has been done concerning it during my administration, it is now left to the wisdom of my successor and of the Legislature to take such further action as may be deemed necessary, right and just in protecting the interests of the State.

O. M. ROBERTS, Governor.

On motion of Senator Terrell the message just read was referred to Committee on Federal Relations.

Senator Pfeuffer offered the following resolution:

*Resolved*, That a committee of three members of the Senate, to act with a like committee from the House, be appointed to examine into the condition of the Governor's Mansion and report the amount necessary to put the same in proper condition.

Adopted.

The President appointed on said joint committee on the part of the Senate, Senators Pfeuffer, Terrell and Buchanan.

Senator Gibbs offered the following resolution:

*Resolved*, That the Secretary of the Senate send three copies of the Governor's Message relative to Greer county to each of our Congressmen and ten copies to each of our Senators, and that our Senators and Representatives in Congress be requested to make an earnest effort for a speedy and just settlement of the matter in controversy.

Referred to Committee on Federal Relations.

Senator Peacock introduced a bill entitled "An act to diminish the jurisdiction of the county courts of certain counties and to conform the jurisdiction of the district courts to such change." Referred to Judiciary Committee No. 1.

Senator Pfeuffer presented a petition of the mayor and other citizens of New Braunfels setting forth that by the charter of incorporation of that city, the corporate limits extend three miles in every direction from the public square, and that many living remote from the center are in no way benefited, but subjected to a heavy expense in consequence of being included within the limits of said corporation, and asking the Eighteenth Legislature to so amend the Revised Statutes as to admit of a reduction of said corporate limits. Referred to Committee on State Affairs.

A message was received from the House, announcing that that body is ready to proceed to count the vote for Governor, Lieutenant-Governor, and heads of departments, in conjunction with the Senate, as provided in the joint resolution passed upon that subject.

Senator Jones moved that the Senate repair at once to the Hall of Representatives to assist in counting said vote. Adopted.

On motion of Senator Jones the Senate repaired to the House of Representatives to aid in counting the vote for Governor and Lieutenant-Governor cast at the last general election.

#### JOINT SESSION.

The joint session of the two houses was called to order at 11 o'clock, a. m., in Representative Hall, Lieutenant-Governor Storey, President of the Senate, occupying a seat on the right of the Speaker.

Roll of the Senate called. Quorum present.

Roll of House called. Quorum present.

The Speaker of the House announced that the object of the joint session was to count the votes for Governor and Lieutenant-Governor cast at the general election, held on the seventh day of November, 1882.

The Speaker presented the following communication, which was read by the Chief Clerk:

DEPARTMENT OF STATE,  
AUSTIN, January 13, 1883.

Hon. C. R. Gibson, Speaker of the House of Representatives:

SIR:—I have the honor to hand you the election returns for Governor and Lieutenant-Governor received by this department.

Very respectfully,

T. H. BOWMAN, Secretary of State.

The tellers appointed on the part of the Senate were Senators Shannon, Johnston of Shelby and Chesley. The tellers appointed on the part of the House were Messrs. Nash, Wilson and McAlpin.

The said tellers were instructed to count the vote for Governor and Lieutenant-Governor, as cast aforesaid, which duty they proceeded to do.

Pending the counting of the vote, Mr. Tucker moved to adjourn the joint session till 3 o'clock p. m.

On motion of Senator Johnston of Shelby, the Senate retired to its chamber.

#### IN SENATE.

Roll called and quorum present.

On motion of Senator Shannon, Senator Houston was excused till Monday morning.

On motion of Senator Gooch, the Senate adjourned till 2:50 p. m.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment. Lieutenant-Governor Storey in the chair.

Roll called Quorum present.

The hour having arrived to meet in joint session, to complete the canvass of the votes for Governor and Lieutenant-Governor, the Senate repaired to the hall of the House of Representatives for that purpose.

#### IN JOINT SESSION.

Roll of the Senate called, and quorum present.

Roll of the House called, and quorum present.

The tellers appointed by the Senate having important committee duty to perform, were excused for said duty, and the President appointed as tellers in their stead Senators Randolph, Kleberg and Fowler.

The counting of the vote, as stated aforesaid, was proceeded with and completed, when they presented the following tabulated statement of the votes cast at the general election held on Tuesday, November 7, 1882, for Governor and Lieutenant-Governor:

Official Vote for Governor and Lieutenant-Governor.

Counties.	For Governor.			For Lieut.-Governor		
	Ireland.	Jones.	Robertson.	Martin.	Morton.	Scattering.
Anderson.....	1671	1343		1760	1278	2
Andrews.....						
Angelina.....	834	117		869	75	1
Aransas.....	142	33		184		
Archer.....	38	15		49		5
Armstrong.....						
Atascosa.....	478	85		564		
Austin.....	493	1716	1	1538	528	43
Baendera.....	355	101	1	410	51	1
Bastrop.....	689	2345		1576	1436	
Baylor.....	291	13		310		
Bee.....	222	32		257		
Bell.....	2272	953	20	2906	286	
Bexar.....	2651	2069		2814	1887	41
Blanco.....	440	245		487	199	13
Borden.....						
Bosque.....	1078	521	7	1154	34	350
Bowie.....	1040	702		1063	659	
Brazoria.....	271	1214		344	1149	1
Brazos.....	964	1373		1248	1102	
Briscoe.....						
Brown.....	826	513		935		403
Burleson.....	579	1294	6	940	871	
Burnet.....	557	648		690		486
Caddwell.....	387	471		719	87	
Calhoun.....	118	133		164	118	37
Callahan.....	392	177		443		123
Cameron.....	2458	245		2459	225	
Camp.....	522	519		522	27	395
Carson.....						
Cass.....	1406	1513		1424	1474	

Official Vote for Governor and Lieutenant-Governor—continued.

Counties.	For Governor.			For Lieut.-Governor		
	Ireland.	Jones.	Robertson.	Martin.	Morton.	Scattering.
Castro.....	200	106		229		
Chambers.....	1659	1162		2380	281	
Cherokee.....						
Childress.....	670	156		702	14	101
Clay.....						
Cochran.....	445	131	10	575		3
Coleman.....	3494	547		3532	479	14
Collins.....						
Collingsworth.....	785	1828		873	1577	203
Colorado.....	472	545		733	261	
Comal.....	848	424	11	1230		28
Comanche.....	128	31		138		23
Concho.....	2566	861	1	2611	141	701
Cooke.....	1173	401	33	1639		
Coryell.....						
Cottle.....						
Crockett.....						
Crosby.....	4387	1730		4409	799	439
Dallas.....						
Dallam.....						
Dawson.....						
Deaf Smith.....						
De Witt.....	744	280		729		274
Denton.....	2364	690		2359		650
De Witt.....	545	835		769	638	
Dickens.....						
Dimmitt.....	50	104		94		54
Douley.....	61	13		54	19	
Duval.....	535	25		545		10
Eastland.....	650	306		681	16	259
Edwards.....						
Ellis.....	3304	763		3444	409	243
El Paso.....	1053	81		1169		
Encinal.....						
Erath.....	1534	486	2	1637	43	325
Falls.....	1307	1472	1	1374	1394	
Fayette.....	1428	3059	17	2009	2418	
Faunin.....	2538	812		2510	516	175
Fisher.....						
Floyd.....						
Fort Bend.....	180	1267		200	1249	
Franklin.....	668	319		825		
Freestone.....	1016	976		990	950	
Frio.....	194	211		271	86	
Galveston.....	3318	2325		3466	2177	
Gaines.....						
Garza.....						
Gillespie.....	248	648	1	547	309	3
Goliad.....	381	368		683	63	
Gonzales.....	1262	1119		1173	72	496
Gray.....						
Grayson.....	4011	2073		4106	1001	937
Gregg.....	565	834		571	809	
Grimes.....	982	1897	1	1060	1269	
Guadalupe.....	1134	885	1	1106	790	
Hale.....						
Hall.....						
Hamilton.....	688	263	5	919	26	
Hansford.....						
Hardeman.....						
Hardin.....	129	218		179	78	
Harris.....	2142	3011		3192	1867	
Harrison.....	1000	1081		1029	1059	
Hartley.....						
Haskell.....						
Hays.....	812	599		1168	70	113
Hemphill.....						
Henderson.....	846	654		855	616	38
Hidalgo.....	510	72		567	14	
Hill.....	2281	802	13	2357	225	775
Hockley.....						
Hood.....	734	364		736		332
Hopkins.....	2312	545		2154	537	
Howard.....	126	27		141	9	
Houston.....	1690	1287		1717	1279	
Hunt.....	2969	444		2965	333	106
Hutchinson.....						
Jack.....	536	379		545		362
Jackson.....	137	250		153	50	
Jasper.....	369	9		388		
Jefferson.....	411	302		456	219	
Johnson.....	2475	641		2418	709	
Jones.....	105	4		108		26
Karnes.....	280	93	1	341		
Kaufman.....	2189	732		2193	148	487
Kendall.....	93	377		117	377	
Kent.....						
Kerr.....	210	262		414	24	
Kimble.....	150	190		184	1	96
King.....						
Kinney.....	275	351		330	242	
Knox.....						
Lamar.....	2105	728		2128	243	433
Lamb.....						
Lampasas.....	528	456		629		295

## Official Vote for Governor and Lieutenant-Governor—continued.

Counties.	For Governor.			For Lieut.-Governor.		
	Ireland.	Jones.	Robertson.	Martin.	Morton.	Scattering.
La Salle.....	186	94		242	51	
Lavaca.....	778	817		1105	214	44
Lee.....	369	1114	1	1018	338	105
Leon.....	1241	1003	28	1368	832	
Liberty.....	352	379		555	155	
Limestone.....	1440	1043	3	1507	261	732
Lipscomb.....						
Live Oak.....	245	57		298	1	7
Llano.....	517	474		745	148	
Lubbock.....						
Lynn.....						
Madison.....	589	449	4	708	289	
Marion.....	459	726		463	717	
Martin.....						
Mason.....	392	122		509	16	
Matagorda.....	183	484		211	297	1
Maverick.....	196	216		214	120	
McCulloch.....	213	113		276		49
McLennan.....	1560	966	104	1738	616	
McMullen.....	144	26		179		
Medina.....	312	445		709	37	
Menard.....	192	19		200	13	3
Milam.....	1640	1508	22	2154	927	
Mitchell.....	221	125		235	109	
Montague.....	1579	565		1576		558
Montgomery.....	834	1009		917	931	
Moore.....						
Morris.....	553	466		552	465	
Motley.....						
Nacogdoches.....	1398	332		1417		322
Navarro.....	1781	2755	4	1053	678	3
Newton.....	521	21		532		1
Nolan.....	178	93		234	39	
Nueces.....	754	303		925	173	
Ochiltree.....						
Oldham.....	150	17		169		
Orange.....	247	258		268	233	
Palo Pinto.....	757	270	1	739	6	211
Panola.....	1227	643		1235		633
Parker.....						
Pearson.....	1713	988		1709	1	953
Pecos.....	346	2		347		1
Polk.....	552	249		703	36	
Potter.....						
Presidio.....	643	131		557	2	1
Rains.....	344	221		343		217
Randall.....						
Red River.....	1446	1022		1457	958	
Retugio.....	118	29		145	10	
Roberts.....						
Robertson.....	1451	2724		1763	840	70
Rockwall.....	556	15		555	41	
Russell.....	193	10		205		
Rusk.....	1922	1438	1	1959	1406	
Sabine.....	375	217		391	79	
San Augustine.....	517	295		517		
San Jacinto.....	511	601		354	72	
San Patricio.....	126	17		145		
San Saba.....	437	490		819		1
Scurry.....						
Shackelford.....	232	58	1	227		57
Shelby.....	1104	432		1114		429
Sherman.....						
Smith.....	1746	1965		1770	129	109
Somervell.....	225	196		252		139
Starr.....	4	544		213		26
Stephens.....	587	79		604	2	53
Stonewall.....						
Swisher.....						
Tarrant.....	2858	1472	8	2850	413	878
Taylor.....	357	137		433	52	
Terry.....						
Throckmorton.....	86	13		86	14	1
Titus.....	817	246		814	213	
Tom Green.....	349	254		375		230
Travis.....	2087	2744		2702	2138	
Trinity.....	553	208		575	179	
Tyler.....	427	356		426		
Upshur.....	1165	591		1164		697
Uvalde.....	429	107		430		1
Van Zandt.....	1328	803		1330	774	
Victoria.....	446	739		522	684	
Walker.....	522	1049		621	942	
Waller.....	407	1011		487	929	
Washington.....	1354	3575	7	1660	3293	4
Webb.....	782	251		774	242	
Wharton.....	115	643		124	630	
Wheeler.....	344	37		366		
Whitita.....	86	39		83	29	
Wilbarger.....	104	6		102	6	
Williamson.....	1735	1068		1882		859
Wilson.....	945	284	7	1060	46	81
Wise.....	1713	1149	17	1749		1307
Wood.....	1188	838		1197		825
Yoakum.....						

The vote having been cast up, the Speaker announced that for Governor

John Ireland received ..... 150,809  
G. W. Jones received ..... 102,501  
J. B. Robertson received ..... 334

In compliance with his constitutional duty and under the sanction of the Legislature, the Speaker declared John Ireland duly and constitutionally elected Governor of the State of Texas.

The Speaker further announced that for Lieutenant-Governor

Marion Martin received ..... 171,277  
E. W. Morton received ..... 58,504  
Andrew Young, and scattering ..... 19,220

Whereupon, in compliance with his constitutional duty and under the sanction of the Legislature, the Speaker declared Marion Martin duly and constitutionally elected Lieutenant-Governor of the State of Texas.

On motion of Senator Chessley the joint session adjourned and the Senate retired to its Chamber.

## IN SENATE.

Senator Matlock, chairman of the Committee on Public Lands, Etc., submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 12, 1883.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Lands to whom was referred the Senate bill No. 24, entitled "An act to authorize the Commissioner of the General Land Office to employ additional clerks, and fixing their salaries, have had the same under consideration, and a majority of the committee instruct me to report the bill favorably and recommend that it do pass.

MATLOCK, Chairman.

Bill read first time.

On motion of Senator Harris, the Senate adjourned until to-morrow morning at 10 o'clock.

## FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 13, 1883.

The Senate met pursuant to adjournment. Lieutenant-Governor Storey in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Terrell, the reading of the journal of yesterday was dispensed with.

On motion of Senator Peacock, Senator King was excused for his absence yesterday evening and to-day, on account of sickness.

On motion of Senator Harris, Senator Perry was excused till Monday morning.

On motion of Senator Stratton, Senator Jones was excused till Monday morning.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1. to whom was referred Senate bill No. 7, have considered the same, and instruct me to report the bill back, with recommendation that it do pass, with the following amendment: "Amend article 247, as contained in the bill, with the addition of the word 'court' at the end thereof."

The Constitution provides for a county attorney in counties "where there is not a resident criminal district attorney." Your committee construe that clause to require the election of county attorneys in every county not having a resident district attorney for a criminal district court.

The bill conforms the law to this construction of the Constitution.

A. W. TERRELL, chairman.

Bill read first time.